

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND; PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST;
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY;
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE FUND;
DISTRICT COUNCIL 37, AFSCME –
HEALTH & SECURITY PLAN; MAUREEN
COWIE; JUNE SWAN; and BERNARD
GORTER,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation, and MCKESSON CORPORATION,
a Delaware corporation,

Defendants.

Case No. 1:05-CV-11148-PBS

Judge Patti B. Saris

**DECLARATION OF TIFFANY CHEUNG IN SUPPORT OF DEFENDANT
MCKESSON CORPORATION'S SURREPLY IN RESPONSE TO PLAINTIFFS'
REPLY BRIEF IN SUPPORT OF THEIR MOTION TO COMPEL**

LEAVE TO FILE GRANTED ON APRIL 3, 2007

I, Tiffany Cheung, declare as follows:

1. I am an attorney at the law firm of Morrison & Foerster LLP and one of the attorneys of record for McKesson Corporation (“McKesson”) in this action. I submit this declaration in support of McKesson Corporation’s Surreply in Response to Plaintiffs’ Reply Brief in Support of Their Motion to Compel.

2. A true and correct copy of Plaintiffs' Responses and Objections to McKesson's Second Set of Interrogatories, dated February 12, 2007, is attached hereto as Exhibit 1.

3. A true and correct copy of the letter from me to plaintiffs' counsel, Barbara Mahoney, dated March 15, 2007, is attached hereto as Exhibit 2.

4. McKesson provided plaintiffs' copy vendor with over 30,000 pages of IMS data during the morning of March 16, 2007.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 19th day of March, 2007, in San Francisco, California.

By: /s/ Tiffany Cheung
Tiffany Cheung

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on April 3, 2007.

/s/ Paul Flum
Paul Flum

Exhibit 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 1:05-CV-11148-PBS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST;
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY;
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND; DISTRICT COUNCIL 37, AFSCME -
HEALTH & SECURITY PLAN; JUNE
SWAN; MAUREEN COWIE and BERNARD
GORTER,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation; and MCKESSON
CORPORATION, a Delaware corporation,

Defendants.

**PLAINTIFFS' RESPONSES AND OBJECTIONS TO
MCKESSON'S SECOND SET OF INTERROGATORIES**

Plaintiffs, through their undersigned counsel, hereby respond pursuant to Fed. R. Civ. P. 33 to McKesson Corporation's Second Set of Interrogatories.

GENERAL OBJECTIONS

1. Plaintiffs object to the instructions and definitions purportedly made a part of the Interrogatories to the extent they are vague, indefinite, ambiguous, or to the extent they seek to impose duties and/or responsibilities beyond that which is required by the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Massachusetts.

2. Plaintiffs object to the definition of "You" and "Yours" to the extent they purport to require the furnishing of documents or information in the possession, custody, or control of persons or entities other than Plaintiffs.

3. Plaintiffs object to Instruction No. 2 to the extent that it imposes an obligation that exceeds the obligation imposed by Local Rule 33.1(e).

4. Plaintiffs object to the Interrogatory to the extent that it seeks information that is readily available to Defendant.

5. Plaintiffs objection to the Interrogatory to the extent that it is redundant and harassing in that McKesson has in some instances already received the information requested through the depositions of Plaintiffs' 30(b)(6) and individual witnesses and to the extent that the Interrogatory places an undue burden on Plaintiffs, who are individual consumers and union welfare funds and have limited staff and resources to respond to such Interrogatory.

6. Plaintiffs reserve the right to supplement or amend these responses and objections as further investigation and discovery occur.

7. The preceding general objections are incorporated in response to each specific Interrogatory and any specific objection made below.

SPECIFIC OBJECTIONS AND RESPONSES

Interrogatory No. 1

Please identify each source for each document produced by You in response to any Document Requests, including in your response the Bates number of the document and the name of the person from whose file the document was produced.

Response No. 1

Plaintiffs object to this interrogatory as it is unduly burdensome, redundant and harassing in that it seeks identification of the custodian of record for each and every document Plaintiffs have produced, when in many instances Plaintiffs have already provided that information or the identity of the custodian of record is immediately apparent from the document.

Subject to and without waiver of the foregoing general and specific objections, Plaintiffs respond as follows:

A. New England Carpenters Health Benefits Fund:

All documents produced by Carpenters were obtained from the Plan Administrator, James Buckley.

B. Pirelli Armstrong Retiree Medical Benefits Trust:

PIRELLI-FDB 0000001 -PIRELLI-FDB 0000059; PIRELLI-FDB 0000189 - PIRELLI-FDB 0000801 originated from Pirelli outside counsel; PIRELLI-FDB 0000060 - PIRELLI-FDB 0000188; PIRELLI-FDB 0000802 - PIRELLI-FDB 0001298 came from Southern Benefit Administrators.

C. Teamsters Health & Welfare Fund of Philadelphia and Vicinity:

All documents produced by the Teamsters were obtained from the Plan Administrator, William Einhorn.

D. Philadelphia Federation of Teachers Health And Welfare Fund:

All documents produced by Teachers were obtained from the office of the Plan Administrator, Arthur Steinberg.

E. District Council 37, AFSCME - Health & Security Plan:

D37-0001-0769; D37-0773-869; DC 37 08069-08074; DC37 00869AA-1383; and DC37 2321-6070 were obtained by searching the administrative files of the District Council 37 Health & Security Plan. The administrative files are kept by or at the direction of the Plan's Executive Secretary, Mickey Toledo.

D37 0770-0772, Plaintiff's agreement with counsel, was obtained from HBSS.

DC37 1384-02319 were obtained by searching the combined personal files of Rosalyn Yasser and Rosa Esperon. There is a gap from DC37 06071-06115.

DC37 06116-08068; DC 37 08075-08226 were obtained by searching the personal files of Ernestine Walker.

DC37 08227-10463 are e-mails with attachments. They were obtained by searching the e-mail files of Rosalyn Yasser, Ernestine Walker, Rosa Esperon and William Chang. The custodian of records is identified on each of the documents as the sender or recipient of the message.

DC37-ESI001-03 are CDs containing claims data. They were obtained from the files of the Controller of the DC 37 Health & Security Plan Accounting Department, Laura Albergo.

F. June Swan:

SWAN 000001-26 were obtained from Ms. Swan's personal files or at her request from her pharmacist.

SWAN 000027-29, Plaintiff's agreement with counsel, was obtained from HBSS.

G. Bernard Gorter:

GORT 000001-03, Plaintiff's agreement with counsel, was obtained from HBSS.

GORT 000004-11 were obtained from PharmaCare at Mr. Gorter's request.

DATED: February 12, 2007

By /s/ Steve W. Berman

Steve W. Berman
Sean R. Matt
Barbara A. Mahoney
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Thomas M. Sobol (BBO #471770)
Ed Notargiacomo (BBO #567636)
Hagens Berman Sobol Shapiro LLP
One Main Street, 4th Floor
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003

Elizabeth Fegan
Hagens Berman Sobol Shapiro LLP
60 W. Randolph Street, Suite 200
Chicago, IL 60601
Telephone: (312) 762-9235
Facsimile: (312) 762-9286

Jeffrey Kodroff
John Macoretta
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Marc H. Edelson, Esq.
Edelson & Associates, LLC
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Kenneth A. Wexler
Jennifer Fountain Connolly
Wexler Toriseva Wallace LLP
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

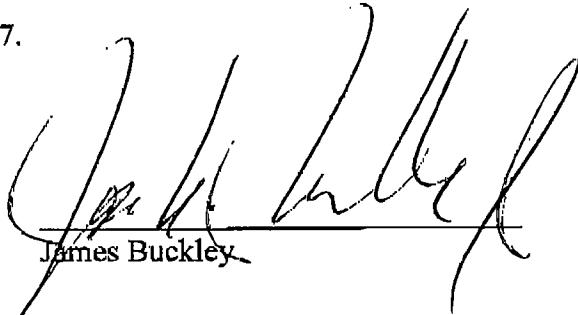
George E. Barrett
Edmund L. Carey, Jr.
Barrett, Johnston & Parsley
217 Second Avenue, North
Nashville, TN 37201
Telephone: (615) 244-2202
Facsimile: (615) 252-3798

VERIFICATION

I, James Buckley, am the Plan Administrator for Plaintiff New England Carpenters Health Benefits Fund [Carpenters] in the above-entitled action and have read the interrogatory served upon Carpenters by the defendant, and the foregoing answer to the interrogatory, as it applies to Carpenters, is true according to the best of my knowledge, information, and belief.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 2/12, 2007.


James Buckley

VERIFICATION

I, Donny Dowlen, am a vice president at Southern Benefit, the third-party administrator for Plaintiff Pirelli Armstrong Retiree Medical Benefits Trust [Pirelli] in the above-entitled action and have read the interrogatory served upon Pirelli by the defendant, and the foregoing answer to the interrogatory, as it applies to Pirelli, is true according to the best of my knowledge, information, and belief.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 9, 2007.



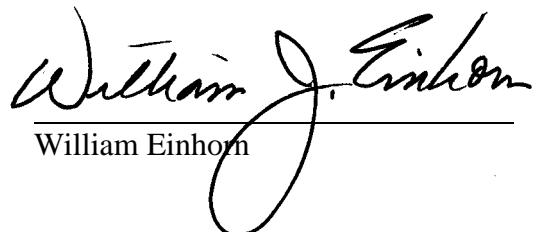
[name]

VERIFICATION

I, William Einhorn, am the Plan Administrator for Plaintiff Teamsters Health & Welfare Fund of Philadelphia and Vicinity [Teamsters] in the above-entitled action and have read the interrogatory served upon the Teamsters by the defendant, and the foregoing answer to the interrogatory, as it applies to the Teamsters, is true according to the best of my knowledge, information, and belief.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 9, 2007.



William J. Einhorn

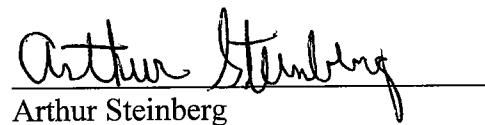
William Einhorn

VERIFICATION

I, Arthur Steinberg, am the Plan Administrator for Plaintiff Philadelphia Federation of Teachers Health & Welfare Fund [Teachers] in the above-entitled action and have read the interrogatory served upon Teachers by the defendant, and the foregoing answer to the interrogatory, as it applies to Teachers, is true according to the best of my knowledge, information, and belief.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 2/6/07, 2007.



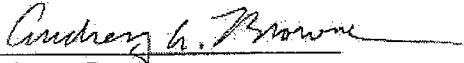
Arthur Steinberg

VERIFICATION

I, Audrey Browne, am the Director of Regulatory Compliance & Contract Procurement for Plaintiff District Council 37 Health & Security Plan [DC 37] in the above-entitled action and have read the interrogatory served upon DC 37 by the defendant, and the foregoing answer to the interrogatory, as it applies to DC 37, is true according to the best of my knowledge, information, and belief.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2007.



Audrey A. Browne

VERIFICATION

I, June Swan, am a plaintiff in the above-entitled action and have read the interrogatory served upon me by the defendant, and the foregoing answer to the interrogatory is true, as it applies to me, according to the best of my knowledge, information, and belief.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 7, 2007.

June Swan
June Swan

VERIFICATION

I, Barnard Gorter, am a plaintiff in the above-entitled action and have read the interrogatory served upon me by the defendant, and the foregoing answer to the interrogatory is true, as it applies to me, according to the best of my knowledge, information, and belief.

I swear under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on _____, 2007.

Barnard Gorter

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above-referenced document was served upon the attorney of record listed below by electronic mail on February 12, 2007.

Mark Redman
Office of General Counsel
The Hearst Corporation
959 Eighth Avenue
New York, NY 10019-3737

Counsel for First Databank, Inc.

Lori A. Schechter
Morrison & Foerster
425 Market Street
San Francisco, CA 94105-2482

Counsel for McKesson Corporation

/s/ Steve W. Berman

Steve W. Berman

Exhibit 2

MORRISON

FOERSTER

425 MARKET STREET
SAN FRANCISCO
CALIFORNIA 94105-2482
TELEPHONE: 415.268.7000
FACSIMILE: 415.268.7522
WWW.MOFO.COM

MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.
NORTHERN VIRGINIA,
ORANGE COUNTY, DENVER
SACRAMENTO, WALNUT CREEK
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

March 15, 2007

Writer's Direct Contact

415/268-6848

TCheung@mofo.com

By E-Mail

Barbara A. Mahoney
Hagens Berman Sobol & Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101

Re: *New England Carpenters Health Benefit Fund v. First DataBank*

Dear Barbara:

Additional IMS documents, bates-labeled MCKAWP 0095515 - 0126104, will be available tomorrow morning for inspection or copying. Please let us know if you would like to inspect or copy these documents. We are continuing our rolling production and anticipate that we will have additional IMS documents available next week.

Sincerely,



Tiffany Cheung